



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

F.#2009R00195

*271 Cadman Plaza East
Brooklyn, New York 11201*

April 26, 2010

By Hand and ECF

The Honorable Sandra L. Townes
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Edward Garofalo, Jr.
Criminal Docket No. 10-0147 (SLT)

Dear Judge Townes:

In response to the defendant Edward Garofalo, Jr.'s submission dated April 23, 2010, the government respectfully encloses with this letter one compact disc, which contains copies of the consensual recordings that were made by a cooperating witness on November 27, 2006. On the recording designated session 3, beginning at time-stamp 17:33:41, the following conversation between the defendant, Edward Garofalo, Jr., and Anthony O'Donnell and Marino Mazzei, two of his business associates in Big R Trucking (which is one of the vehicles by which the defendant and others engaged in double-breasting, in violation of 18 U.S.C. § 664, as charged in Counts Two and Three of the above-captioned indictment), was captured:

O'Donnell: He's all cut up.

Mazzei: (UI).

O'Donnell: I seen him when he gets changed,
like, in the shop . . . (UI).

Mazzei: (UI).

Garofalo, Jr.: You know what he does, any time he
 sees me yell at somebody outside,
 he goes like this, "Go home."
 (Laughter). Outside, I, I fuckin'
 knocked out one of Greco's drivers
 one day. This guy, tells this guy,
 "No argue." He goes, "Eddie, Eddie
 no argue."

In this recording, Garofalo, Jr. boasts about his use of violence against "one of Greco's drivers." This statement corroborates the previously proffered evidence of Garofalo Jr.'s use of violence against a truck driver, as witnessed by the cooperating witness who was referred to in the government's March 16, 2010 letter as "CW 2." See Mar. 16, 2010 Ltr. at 2 ("CW 2 also observed the defendant punch a truck driver who had blown his horn at Garofalo Jr. in the face."). Moreover, in the above-cited recording, Garofalo, Jr. tells his associates that an employee, who is described as "all cut up," meaning muscular, routinely warned anyone who argued with Garofalo, Jr. at the workplace to "go home" because "Eddie no argue."

This letter supplements the government's earlier submissions, dated March 9, 2010, March 12, 2010 and March 16, 2010, in support of the entry of a permanent order of detention with respect to Garofalo, Jr. The government expects to make additional arguments in response to Garofalo, Jr.'s April 23, 2010 letter at the hearing, which is currently for April 28, 2010 at 2:00 p.m.

Respectfully submitted,

BENTON J. CAMPBELL
United States Attorney

By: _____/s/_____
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Enclosure

cc: Gino Josh Singer, Esq. (via ECF)
Jean Marie Graziano, Esq. (via ECF)